

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Paramount Resources Recycling, Inc.  
dba E-Recycling of California  
7230 Petterson Lane  
Paramount, CA 90723

ID No. CAL000130029

Respondent.

Docket HWCA 2004 0679

CONSENT ORDER  
ADJUDICATING UNIT  
DEPT OF TOXIC SUBSTANCES CONTROL

OCT 25

RECEIVED

Health and Safety Code

Section 25187

The State Department of Toxic Substances Control (Department) and E-Recycling of California (Respondent) enter into this Consent Order (Order) and agree as follows:

1. Respondent receives, handles, treats and/or stores cathode ray tubes (CRTs) and universal waste electronic devices (UWEDs), which are hazardous wastes, at 7230 Petterson Lane, Paramount, California 90723 (Site).

2. The Department inspected the Site on September 30, 2004.

3. The Department alleges the following violations:

3.1. The Respondent violated the California Code of Regulations, title 22, section 66273.83, subsection (d) (2) in that on or about September 30, 2004, Respondent failed to submit to the Department a cost estimate for closure of the facility no later than 30 days prior to recycling or treating any CRT material.

3.2. The Respondent violated the California Code of Regulations, title 22, section 66273.83, subsection (d) (3) in that on or about September 30, 2004, Respondent failed to submit to the Department documentation demonstrating financial assurance for closure of the facility no later than 30 days prior to recycling or treating any CRT material.

3.3 The Respondent violated the California Code of Regulations, title 22, section 66273.83, subsection (d) (4) in that on or about September 30, 2004, Respondent failed to submit to the Department documentation demonstrating financial responsibility for liability no later than 30 days prior to recycling or treating any CRT material.

4. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

5. Jurisdiction exists pursuant to Health and Safety Code section 25187.

6. Respondent waives any right to a hearing in this matter.

7. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

## SCHEDULE FOR COMPLIANCE

1           10. Respondent has corrected the violations cited above. Respondent shall  
2 operate hereafter in a manner that shall prevent recurrences of the violation cited  
3 herein.

4           10.1. Submittals: All submittals from Respondent pursuant to this Consent  
5 Order shall be sent to:

6  
7                   Robert Kou, Unit Chief  
8                   Statewide Compliance Division  
9                   Department of Toxic Substances Control  
10                  1011 North Grandview Avenue  
11                  Glendale, California 91201  
12

13  
14           10.2. Communications: All approvals and decisions of the Department made  
15 regarding such submittals and notifications shall be communicated to Respondent in  
16 writing by a Branch Chief, Department of Toxic Substances Control, or his/her  
17 designee. No informal advice, guidance, suggestions, or comments by the Department  
18 regarding reports, plans, specifications, schedules, or any other writings by Respondent  
19 shall be construed to relieve Respondent of its obligation to obtain such formal  
20 approvals as may be required.  
21

22           10.3. Department Review and Approval: If the Department determines that any  
23 report, plan, schedule, or other document submitted for approval pursuant to this  
24 Consent Order fails to comply with the Order or fails to protect public health or safety or  
25 the environment, the Department may return the document to Respondent with

recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.4. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.5. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.6. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.7. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The

1 Department and its authorized representatives may enter and move freely about all  
2 property at the Site at all reasonable times for purposes including but not limited to:  
3 inspecting records, operating logs, and contracts relating to the Site; reviewing the  
4 progress of Respondent in carrying out the terms of this Consent Order; and conducting  
5 such tests as the Department may deem necessary. Respondent shall permit such  
6 persons to inspect and copy all records, documents, and other writings, including all  
7 sampling and monitoring data, in any way pertaining to work undertaken pursuant to this  
8 Consent Order.

10 10.8. Sampling, Data, and Document Availability: Respondent shall permit the  
11 Department and its authorized representatives to inspect and copy all sampling, testing,  
12 monitoring, and other data generated by Respondent or on Respondent's behalf in any  
13 way pertaining to work undertaken pursuant to this Consent Order. Respondent shall  
14 allow the Department and its authorized representatives to take duplicates of any  
15 samples collected by Respondent pursuant to this Consent Order. Respondent shall  
16 maintain a central depository of the data, reports, and other documents prepared  
17 pursuant to this Consent Order. All such data, reports, and other documents shall be  
18 preserved by Respondent for a minimum of six years after the conclusion of all activities  
19 under this Consent Order. If the Department requests that some or all of these  
20 documents be preserved for a longer period of time, Respondent shall either comply  
21 with that request, deliver the documents to the Department, or permit the Department to  
22 copy the documents prior to destruction. Respondent shall notify the Department in  
23 writing at least six months prior to destroying any documents prepared pursuant to this  
24 Consent Order.

10.9. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.10. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.11. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.12. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

## PAYMENTS

11.1. Respondent shall pay the Department a total of \$32,000.00, of which \$25,000.00 is a penalty and \$7,000.00 is reimbursement of the Department's costs. Up to \$18,000.00 of the penalty amount is available as a credit against the penalty in the form of a supplemental environmental project (SEP) described in Attachment 1 to this

1 Order. The SEP shall be completed within one year of the effective date of this Order.  
2 If the Department approved documented costs for the SEP exceeded the \$18,000.00,  
3 the excess amount shall not be considered as an additional credit to the total penalty  
4 amount. If the documented costs for the SEP do not total \$18,000.00, the Respondent  
5 shall pay the shortfall to the Department by check as part of the total penalty, such  
6 difference shall be paid by Respondent to the Department within 30 days from  
7 Department's notice of the applicable amount to Respondent.  
8

9 11.2. Respondent shall pay to the Department \$14,000.00 within 30 days of the  
10 effective date of this Order. Respondent's check shall be made payable to Department  
11 of Toxic Substances Control, and shall be delivered together with the attached Payment  
12 Voucher to:

13 Department of Toxic Substances Control  
14 Accounting Office  
15 1001 I Street, 21st floor  
16 P. O. Box 806  
17 Sacramento, California 95812-0806  
18

19 A photocopy of the check shall be simultaneously sent to:

20  
21 Robert Kou, Unit Chief  
22 Statewide Compliance Division  
23 Department of Toxic Substances Control  
24 1011 North Grandview Avenue  
25 Glendale, California 91201



1  
2 Ramon Perez  
3 Office of Legal Counsel  
4 Department of Toxic Substances Control  
5 9174 Sky Park Court, Suite 150  
6 San Diego, CA 92123  
7

8 If Respondent fails to make payment as provided above, Respondent agrees to  
9 pay interest at the rate established pursuant to Health and Safety Code section 25360.1  
10 and to pay all costs incurred by the Department in pursuing collection including  
11 attorney's fees.  
12

13 OTHER PROVISIONS  
14

15 12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the  
16 Department does not waive the right to take further enforcement actions, except to the  
17 extent provided in this Consent Order.

18 12.2. Penalties for Noncompliance: Failure to comply with the terms of this  
19 Consent Order may subject Respondent to civil penalties and/or punitive damages for  
20 any costs incurred by the Department or other government agencies as a result of such  
21 failure, as provided by Health and Safety Code section 25188 and other applicable  
22 provisions of law.  
23

24 12.3. Parties Bound: This Consent Order shall apply to and be binding upon  
25 Respondent and its officers, directors, agents, receivers, trustees, employees,  
contractors, consultants, successors, and assignees, including but not limited to



1 individuals, partners, and subsidiary and parent corporations, and upon the Department  
2 and any successor agency that may have responsibility for and jurisdiction over the  
3 subject matter of this Consent Order.

4 12.4. Effective Date: The effective date of this Consent Order is the date it is  
5 signed by the Department.

6 12.5. Integration: This agreement constitutes the entire agreement between the  
7 parties and may not be amended, supplemented, or modified, except as provided in this  
8 agreement.  
9

10  
11  
12 Dated:

Oct 6/05

Original signed by Respondent

Respondent

13  
14  
15 Dated:

Nov. 3, 2005

Original signed by Robert Kou

16 Robert Kou, Unit Chief  
17 Department of Toxic Substances Control  
18 Statewide Compliance Division  
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